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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE PIPE TRADES DISTRICT COUNCIL NO. 36 HEALTH AND WELFARE TRUST FUND; BOARD OF TRUSTEES OF THE PIPE TRADES DISTRICT COUNCIL NO. 36 PENSION TRUST FUND; BOARD OF TRUSTEES OF THE PIPE TRADES DISTRICT COUNCIL NO. 36 APPRENTICE TRAINING TRUST FUND; BOARD OF TRUSTEES OF THE CENTRAL CALIFORNIA PIPE TRADES INDUSTRY LABOR-MANAGEMENT COOPERATION COMMITTEE TRUST FUND,)	No. C 06-04786 CRB
)	
)	CASE MANAGEMENT STATEMENT
)	AND PROPOSED ORDER
)	
)	Date: November 17, 2006
)	Time: 8:30 A.M.
)	Place: Crtm. 8, 19th Floor
)	
Plaintiffs,)	
)	
v.)	
)	
RAMCON COMPANY, INC., a California Corporation,)	
)	
Defendant.)	

Pursuant to this Court's order in the above-entitled action,
the undersigned hereby certifies as follows:

A. Service of process and parties not served: There are no additional parties to be served.

B. Jurisdiction and venue: This action was originally filed in this court on August 7, 2006. The defendant was personally

1 served with the Summons and Complaint, and other initial notices
2 and orders) on August 23, 2006. Defendant was served with the
3 Amended Complaint by mail on August 30, 2006 and has not yet
4 answered the lawsuit. (See, Proof of Service and Declaration of
5 Service attached to Amended Complaint, both filed with the court on
6 August 30, 2006.) Plaintiffs requested that defendant's default be
7 entered by the Clerk of the Court. Defendant's default was entered
8 on October 2, 2006. Jurisdiction is based upon the Employee
9 Retirement Income Security Act (hereinafter referred to as
10 "ERISA"), 29 U.S.C. Section 1001, and more specifically Section
11 1132. Venue is proper under both ERISA and the pertinent
12 collective bargaining agreement.

13 C. Anticipated motions: We hoped to have this case settled
14 by now. Defendant informed us that it sent checks to pay the
15 balance due on October 27, but we have not received them. Hence,
16 we will be filing a Motion for Default Judgment within the next
17 week.

18 D. Anticipated or remaining discovery: Not applicable. See
19 C above.

20 E. Further proceedings, including setting dates for
21 discovery cutoff, pretrial and compliance with local rules 235-7,
22 235-9 and 235-10: Not applicable. See C above.

23 F. Appropriateness of special procedures: Plaintiffs admit
24 that such procedures are not applicable to this action.

25 G. Modification of standard pretrial procedures: Not
26 applicable. See C above.

27 H. Prospects for settlement: Likely not applicable. See C
28 above.

1 I. Other matters; issues: Because defendant's default has
2 been entered and plaintiffs will be filing a Motion for Default
3 Judgment shortly, plaintiffs request that the November 17, 2006
4 Case Management Conference be canceled or at least continued to a
5 date on or after December 22, 2006.

6 Dated: November 7, 2006 Respectfully submitted,

7 McCARTHY, JOHNSON & MILLER
8 LAW CORPORATION

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10 By:

LORI A. NORD
Attorneys for Plaintiffs

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12 IT IS SO ORDERED that the November 17, 2006 Case Management
13 Conference is continued to January 5, 2007 at 8:30 a.m.
14

15 Dated: November 8, 2006

16 CHARLES R. BREYER
United States District Judge

